IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2142 OF 2005

Smt.Sarsa Krishnan — Petitioner
vs.
1. Indian Airlines Ltd. & ors. — Respondents

Ms.Kunta Sawant with Mr.N.M.Ganguli for the petitioner.

Mr.S.M.Dixit with Ms.Reshmi Krishnan i/b.Ms.Chhaya Shah
for the respondents 1 and 2.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 26th September, 2006

P.C.

The petitioner had filed a complaint against respondent no.3 alleging sexual harassment. Based on the complaint, respondent no.3 was chargesheeted by respondent no.1. Pursuant to the enquiry which was conducted, the respondent no.3 was held guilty and by order of 31.5.2005 punishment was imposed by reduction in rank. At the time when the enquiry commenced the respondent no.3 was posted to the post of Chief Manager and the order reducing to the post of Senior Manager was passed. It is this order which is the subject matter of the present petition under challenge.

2. According to the petitioner, the punishment imposed is not proportionate to the misconduct alleged and consequently this court must interfere with the said punishment imposed.

3. We have heard the learned counsel for the petitioner and counsel for respondent no.1. In the reply filed on behalf of respondent no.1- R.A.Kamath, Deputy General Manager (Personnel) in para 14 it has been set out that while imposing the punishment of reduction in rank to a lower post, apart from the fact that this punishment was a stigma on respondent no.3, the management took note that respondent no.3 had worked for over 33 years and had unblemished service. It is also submitted that respondent no.3 retired from service of respondent no.2.

4. The question is whether this Court in the exercise of its extraordinary jurisdiction should interfere with the punishment imposed by the Disciplinary Authority considering the extenuating circumstances which were considered. It is not as if no punishment has been imposed on the respondent no.3, he has been reduced in rank which was considered by the Disciplinary Authority as sufficient considering that the respondent no.3 had been in service for 33 years and had an unblemished record. In our opinion, considering the above, we are not inclined to interfere with the impugned order by

invoking our extraordinary jurisdiction and hence petition stands disposed of accordingly. No costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)